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STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

TROY KING  
ATTORNEY GENERAL

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ALABAMA STATE HOUSE  
11 SOUTH UNION STREET  
MONTGOMERY, AL 36130  
(334) 242-7300  
WWW.AGO.STATE.AL.US

Honorable Donald B. Sweeney, Jr.  
Attorney, Alabama Institute for the  
Deaf and Blind  
One Federal Place  
1819 Fifth Avenue North  
Birmingham, Alabama 35203-2104

Alabama Institute for Deaf and Blind -  
Capital Improvements - Federal Property

The construction of a building by the Alabama Institute for Deaf and Blind ("AIDB") on Ft. Rucker Military Post to be leased long term from the federal government by the AIDB for use of the Alabama Industries for the Blind would not violate section 93 of article IV of the Recompiled Constitution of Alabama.

Dear Mr. Sweeney:

This opinion of the Attorney General is issued in response to your request on behalf of the Alabama Institute for Deaf and Blind.

QUESTION

May the Alabama Institute for Deaf and Blind construct a building for use of the Alabama Industries for the Blind on federal property at Ft. Rucker Military Post?

FACTS AND ANALYSIS

Your request states as follows:

The Alabama Institute for Deaf and Blind operates facilities to sell products processed and manufactured by the blind through the Alabama Industries for the Blind ("AIB").

For many years, the AIB has operated a facility at Ft. Rucker Military Post. AIB has conducted its retail operation by leasing a facility owned by Ft. Rucker. This space is no longer available.

AIB's operation at Ft. Rucker has provided invaluable job opportunities and revenue for the blind who have worked at this facility for many years. AIDB very much wants to continue this operation there.

The federal government would continue to own the property and would obtain title to the facility to be built by and using capital funds of AIDB. The federal government would enter a long-term agreement to allow AIB to use the new facility.

The AIDB is created pursuant to section 21-1-1, *et seq.*, of the Code of Alabama. ALA. CODE § 21-1-1 to 21-1-88 (2006). It is authorized to provide education at a junior college level and is a state educational institution governed by a separately constituted board of trustees. ALA. CODE §§ 21-1-1, 21-1-2 & 21-1-9 (2006). The AIDB is the "official state agency to conduct the state educational and training programs for the deaf, the hearing impaired, the blind and the visually handicapped." ALA. CODE § 21-1-23 (2006). The Department of Adult Blind and Deaf of the AIDB is authorized to maintain and act as salesman for workshops employing blind, visually handicapped, deaf, and other severely handicapped persons. ALA. CODE § 21-2-1(1) & (4) (2006). The AIDB is a body corporate with all of the powers of a corporation, including acquiring real property. ALA. CODE § 21-1-1 (2006).

Section 93 of article IV of the Recompiled Constitution of Alabama prohibits the state from lending money or credit in aid of a private person, association, or corporation. ALA. CONST. art. IV, § 93 (amend. 58). This constitutional prohibition "applies to the granting of state money to private, not other governmental, entities." Opinion to the Honorable M. Barnett Lawley, Commissioner, Department of Conservation and Natural Resources, dated April 20, 2005, A.G. No. 2005-116 at 5.

The Lawley opinion concluded that the Department of Conservation and Natural Resources could construct an exhibit hall on property at Gulf State Park leased to Auburn University as part of a hotel and convention center to be constructed and managed by a private developer and hotel management firm under a sublease from Auburn. That opinion relied on our opinion to Honorable Lee Warner, Executive Director, Alabama Historical Commission, dated October 26, 1999, A.G. No. 2000-014.

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The *Warner* opinion concluded that the Alabama Historical Commission could make capital improvements for a civil rights museum at the old Greyhound Bus Station in Montgomery it leased long term from the federal government. Consistent with these opinions, the AIDB may construct a building on Ft. Rucker Military Post it will lease long term from the federal government for use of the Alabama Industries for the Blind.

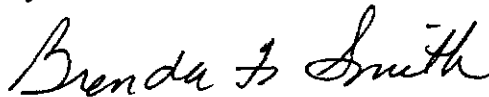
#### CONCLUSION

The construction of a building by the Alabama Institute for Deaf and Blind on Ft. Rucker Military Post to be leased long term from the federal government by the AIDB for use of the Alabama Industries for the Blind would not violate section 93 of article IV of the Recompiled Constitution of Alabama.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Ward Beeson of my staff.

Sincerely,

TROY KING  
Attorney General  
By:



BRENDA F. SMITH  
Chief, Opinions Division

TK/GWB

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